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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,859	06/06/2006	Yasuo Kobayashi	033082M280	7185
441 7590 11/01/2010 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036			EXAMINER MILLER, MICHAEL G	
			ART UNIT	PAPER NUMBER
			1712	
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			11/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,859

Applicant(s)

KOBAYASHI ET AL.

Examiner

MICHAEL G. MILLER

Art Unit

1712

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

- 1) Examiner notes the amendment filed 23 AUG 2010. As a result of the amendment:
 - a) Claims 1 and 3-5 are amended.
 - b) Claims 2, 6-8 and 13-14 are canceled.
 - c) Claims 9-12 are withdrawn.

Response to Arguments

- 2) Applicant's arguments filed 23 AUG 2010 have been fully considered but they are not persuasive.
- 3) Applicant's first argument is that Suzuki does not teach subject matter with regards to the flat antenna member. Examiner respectfully disagrees, referring to Column 3 Lines 20-26, Figure 3 and Column 6 Lines 40-45 of Suzuki. In summation, the structure described is an annular wave guide tube comprising a flat top and bottom cylindrical surface which emits radiation, which classes the structure as a flat antenna. This flat antenna comprises slits on the inner cylindrical surface of the antenna which permit radiation to be emitted, or radiated, outward from the annular surface. The flat antenna is disposed above the support structure, with the flat bottom surface parallel to, and thus disposed opposite to, said support structure. Applicant's arguments to the preferred structure of their preferred embodiment, while noted, are moot until such time as said structural limitations are presented in the claims.

- 4) Applicant's second argument is that Claims 3-5 depend from Claim 1, and as Claim 1 is allowable Claims 3-5 must be. Examiner agrees with the logic; however, as discussed above, Claim 1 is not held to be in condition for allowance and therefore Claims 3-5 cannot be held in condition for allowance at this time.

Claim Rejections - 35 USC § 103

- 5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 6) The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

- 7) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order

for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 8) Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Patent 6,429,518, hereinafter '518) in view of Redeker et al (U.S. Patent 5,800,621, hereinafter '621), Okumura et al (U.S. Patent 6,093,457, hereinafter '457), Endo et al (U.S. Patent 6,197,704, hereinafter '704) and Suzuki (U.S. Patent 5,803,975, hereinafter '975). Schuegraf et al ("Ultra-thin Silicon Dioxide Leakage Current and Scaling Limit", 1992 Symposium on VLSI Technology Digest of Technical Papers, pp 18-19, hereinafter Schuegraf) is cited as evidence of material properties.
- 9) Claim 1 – '518 teaches a plasma-assisted deposition method (Figure 1) for forming an insulating film on a substrate (W) placed on a support device (41) in an airtight processing vessel (2 generally) by activating C5F8 gas (Column 16 Line 65 – Column 17 Line 7) by a plasma forming gas (Column 8 Lines 30 - 43 and Column 16 Lines 65-67), the method using a plasma-assisted deposition system (if a plasma is formed to break down the gas, it is inherently plasma-assisted) and comprising:
- a) Radiating a microwave in a flat antenna member disposed opposite to the support device (Column 4 Lines 9-13);
 - b) Guiding the microwave by a wave guide into the airtight processing vessel (Column 4 Lines 13-21);
 - c) Supplying the plasma forming gas, including a rare gas, into the airtight processing vessel with a plasma forming gas discharge head disposed between the flat antenna member and the support device (Column 4 Lines 23-28);

- d) Supplying the C5F8 gas into the airtight processing vessel with a C5F8 gas discharge head disposed between the plasma forming gas discharge head and the support device, while conducting the plasma forming gas vertically through a plurality of through holes in the C5F8 gas discharge head (Column 4 Lines 38 – 46; the gas must be conducted vertically in order to reach the substrate);
- e) Providing a processing atmosphere pressure of 19.95 Pa or below (Column 8 Lines 30-43, process pressure of 0.5 Pa taught at Line 34); and
- f) Depositing on the substrate the insulating film which is a fluorine-containing carbon film (Column 3 Lines 51-52).
- g) '518 is silent as to the electron temperature, electron density, dielectric constant or leakage current of the plasma and film.
- h) '621 teaches a plasma process wherein high density plasma of 1×10^{11} to 2×10^{12} ions / cm^3 are generated at electron temperatures comprising a few eV (Column 1 Lines 12-20); the electron density will be no less than half this amount (in the case of monovalent ions, which will divide as A^+ and e^-) and will be a generally higher amount (in the case of polyvalent ions, such as A^{++} and $2e^-$, this specific case would have an electron density that is $2/3$ the ion density); '457 expands on this teaching by saying it is known to lower electron temperatures to 2eV or lower without affecting the plasma density (Column 1 Line 64 - Column 2 Line 23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the process of '518 with the plasma parameters of '621/'457, as '518 is open to many means of

plasma generation and '621/'457 teaches a workable set of plasma parameters with the advantage that the low eV temperatures will reduce damage to the substrate ('457 Column 1 Lines 40-42).

- i) '704 teaches that it is advantageous to use CF films in semiconductor applications because they have a parasitic capacity (leakage current) 50% lower than that of silicon dioxide as well as a lower dielectric constant than that of silicon dioxide (Column 2 Lines 6-32 generally, Lines 6-15 for the teaching of an amorphous CF film with a dielectric constant of 2.3, Lines 28-32 for the leakage current teaching). It is known in the art of semiconductors that materials having a low dielectric constant are desirable as insulative interlayers. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have produced a CF film in the manner of '518/'621/'457 targeting the properties detailed in '704, as both teachings want to make insulating films and '704 teaches an advantageous film possessing the desired properties. Figure 7 of Schuegraf provides evidence that it is possible to obtain leakage currents of 1×10^{-8} A/cm² in silicon dioxide; by the teachings of '704, this would permit the formation of CF films which would have a leakage current of 5×10^{-9} A/cm². It is to be noted that even if no reduction occurs by use of CF films, the leakage current is still five times less than what is claimed.
- j) '975 teaches a plasma deposition system with an annular wave guide tube (Column 3 Lines 20-26) comprising a flat cylindrical top and bottom into which a microwave is introduced (Figure 3), the inner cylindrical surface of which

comprises slots half the width of the guide wavelength (Column 6 Lines 40-45).

This system is capable of generating plasmas with temperatures of 3 eV or less and electron densities of 1×10^{12} electrons / cm^3 (Column 3 Lines 26-35), which is within the parameters described in '621/'457. Therefore, it would be obvious to a person having ordinary skill in the art to have combined the method of '518/'621/'457/'704/'Schuegraf with the apparatus of '975 as '975 is shown to be capable of producing plasma conditions deemed desirable by '621/'457.

10) Claim 3 – As discussed above, the slots have a length that is half the wavelength of the guide wave ('975 Column 6 Lines 40-45).

11) Claim 4 – As shown in Figure 3 of '975, the slots are disposed in a concentric circle around the center of the antenna member.

12) Claim 5 – The internal curvature of the guide wave tube produces a circularly polarized wave ('975 Column 6 Lines 45-50; incidence angles below a certain threshold lead to absorption, while incidence angles above a certain threshold lead to total reflectance; this alignment of angles by subtraction is a polarization effect).

Conclusion

13) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL G. MILLER whose telephone number is (571)270-1861. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 1712

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